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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 ALLEN RAY RUSSELL II,

11 Petitioner,

12 v.

13 TIMOTHY WENGLER,

14 Respondent.
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Case No. C07-5506FDB-KLS

ORDER DISMISSING PETITION

16 The Court, having reviewed the petition for *habeas corpus*, the Report and Recommendation of
17 Judge Karen L. Strombom, United States Magistrate Judge, and the remaining record, and there being no
18 objections filed, does hereby find and Order:

- 19 (1) The Court adopts the Report and Recommendation.
20 (2) Petitioner's federal *habeas corpus* petition is DISMISSED.
21 (3) The Clerk is directed to send copies of this Order to petitioner, to counsel for respondent
22 and to Judge Strombom.

23 DATED this 15th day of September 2008.

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26 FRANKLIN D. BURGESS
27 UNITED STATES DISTRICT JUDGE
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